



09-14-07

IFW

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Han et al.

Serial No.: 10/587,682

Case No.: 21515YP

Art Unit: 3617

Filed: July 28, 2006

Examiner: Not Yet Assigned

For: HIV INTEGRASE INHIBITORS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit the following information which they believe may be pertinent to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56:

1. US 7,211,572 (Miyazaki et al.) is directed to nitrogen-containing fused ring compounds and their use as HIV integrase inhibitors. Miyazaki et al. is the issued patent corresponding to published application no. US2006/0052361 which was cited in an information disclosure statement filed July 28, 2006.
2. Publication No. US 2007/0161639 is the published version of Jones et al., Serial No. 10/587,601, filed July 28, 2006, Docket No. ITR0068YP, which was disclosed in an information disclosure statement filed July 28, 2006.
3. An office action mailed August 1, 2007 for Serial No. 10/587,601 (item 2 above) rejected claims 1-15 under 35 U.S.C. § 102(f) in view of Miyazaki et al. (item 1 above).

The above documents are cited in the enclosed substitute for form 1449. A full copy of the office action referred to in item 3 is also enclosed. It is requested that the Examiner consider each of these references, make them of record, and return an initialed copy of the enclosed form with the next communication to applicants.

EXPRESS MAIL CERTIFICATEDATE OF DEPOSIT September 12, 2007EXPRESS MAIL NO. EM04676232105

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
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MAILED BY Linda JennerDATE 9/12/07

This submission is not to be construed as an admission that any of the submitted information is "prior art" with respect to the claimed invention. In accordance with 37 CFR 1.97(g), the filing of this information disclosure statement shall not be construed to mean that a search has been made. In addition, in accordance with 37 C.F.R. 1.97(h), the filing of this information disclosure statement shall not be construed to be an admission that the information disclosed is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

This statement is being submitted more than three months after the filing of the instant application, but prior to the mailing of a first office action on the merits. Accordingly, no fee is due.

Respectfully submitted,

By: Kenneth R. Walton
Kenneth R. Walton, Reg. No. 32,951
Attorney for Applicants
MERCK & CO., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907
Tel.: (732) 594-3462

Date: September 12, 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wei, Han et al.

Serial No. 10/587,682

Filed: July 28, 2006

For: HIV INTEGRASE INHIBITORS

Art Unit: 3617Examiner: Not Yet Assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

EXPRESS MAIL CERTIFICATE
DATE OF DEPOSIT September 12, 2007
EXPRESS MAIL NO. EM04676232105
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
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ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO
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ALEXANDRIA, VIRGINIA 22313-1450.
MAILED BY Linda Zehner
DATE 9/12/07

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By _____ Date _____

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

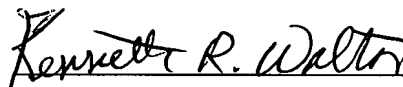
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Kenneth R. Walton

Attorney _____ For Applicant(s)

Reg. No. 32,951

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594- 3462

Date: September 12, 2007

STATEMENT BY APPLICANT

(use as many sheets as necessary)

COMPLETE IF KNOWN

Application Number	10/587,682
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Filing Date	July 28, 2006
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First Named Inventor	Wei, Han
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Group Art Unit	3617
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Examiner Name

Attorney Docket Number	21515YP
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Sheet

1

of

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]Examiner
SignatureDate
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 06/28/2007

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				COMPLETE IF KNOWN	
				Application Number	10/587,682
				Filing Date	July 28, 2006
				First Named Inventor	Wei, Han
				Group Art Unit	3617
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	21515YP

[illegible]

Examiner Signature		Date Considered	
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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